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BEYER WEAVER & THOMAS LLP
P.O. Box 70250
Oakland, CA 94612-0250

In re Application of
BRETT *et al*
U.S. Application No.: 10/563,675
PCT No.: PCT/GB04/02963
Int. Filing Date: 09 July 2004
Priority Date: 09 July 2003
Attorney Docket No.: BOLTP001
For: SYSTEM AND METHOD FOR
SENSING AND INTERPRETING
DYNAMIC FORCES

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed with the United States Designated/Elected Office (DO/EO/US) on 10 October 2006.

BACKGROUND

On 21 November 2006, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 12 February 2007, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failing to reply to the Form PCT/DO/EO/905 mailed 10 May 2006.

On 27 February 2007, applicants filed the renewed petition which was accompanied by, *inter alia*, an "Additional Statement of Facts 37 CFR §1.47(a)" and exhibit E.

DISCUSSION

The Form PCT/DO/EO/909 mailed 12 February 2007 was sent in error, and is hereby **VACATED**.

As previously indicated, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) were completed.

Item (2) was not satisfied in the initial petition as applicants failed to respond to the request by Mr. Molloy that applicants provide proof that he assigned his rights in the

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subject application.

In the renewed petition, applicants submitted a statement by Angela Kukula who claims that a copy of an assignment executed by Mr. Molloy regarding the subject application was provided on 18 December 2006. A copy of the application and request that the nonsigning inventor sign and return the documents were also provided. Ms. Kukula states that Mr. Molloy "did not return any of the paperwork as requested."

The conduct of Mr. Molloy is sufficient to constitute a refusal to cooperate pursuant to section 409.03(d) of the MPEP. Item (2) of 37 CFR 1.47(a) is now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 July 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 October 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302